



Court Historical Society NEWSLETTER



Eastern District of Tennessee

JULY 2006

GLIMPSES FROM THE PAST

The 46 oral histories that have been conducted by the Court Historical Society over the past 16 years contain a wealth of colorful and significant information about some of the court-related events that have occurred and some of the people who have served the court.

We have lifted from the histories of three interviewees who have died a few of their recollections. Of the 46 individuals interviewed, 14 have died.

The first oral history was a joint one, done in 1990, with former **U.S. Bankruptcy Judge Clive W. Bare** and **Deputy U.S. Marshal Floyd E. (Biggie) Marshall**. The joint interview was decided on because these men were the two individuals whose association with the federal court system dated back further than that of anyone else living at that time--to the late 1930s and early 1940s--and both started their federal service with the U.S. Marshals Service. Judge Bare's father, **James G. Bare**, was a lawyer in Erwin. Deputy Marshal Marshall's father, **Hugh Marshall**, was a former sheriff of Hamblen County.

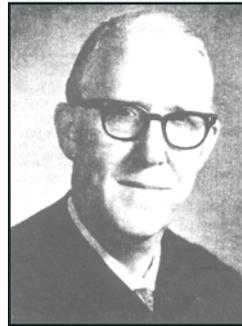
In 1992, we did an oral history on **Deputy U.S. Marshal Granville M. Sertel**, who served as supervising deputy of the Chattanooga office. His service began in 1957. He had a close association with the judges who served in Chattanooga, and we have selected three of his reminiscence about the judges to report here.

Judge Bare and Deputy Marshal Sertel died in 1994, and Deputy Marshal Marshall died in 1998. Had the interviews not been conducted, these stories would have died with them and been forgotten. They are now preserved on paper, on audiotape, and on compact disc for future generations, stored in the Court Historical Society's archives in the Howard H. Baker Jr. United States Courthouse in Knoxville.

All the interviews have been conducted by **Society Executive Director Don K. Ferguson**, except for the one in which Court Clerk and Society member **Patricia L. McNutt** interviewed Mr. Ferguson upon his retirement from the Clerk's Office in 2001.

The stories follow at the top of the next column and on the back page.

JUDGE BARE

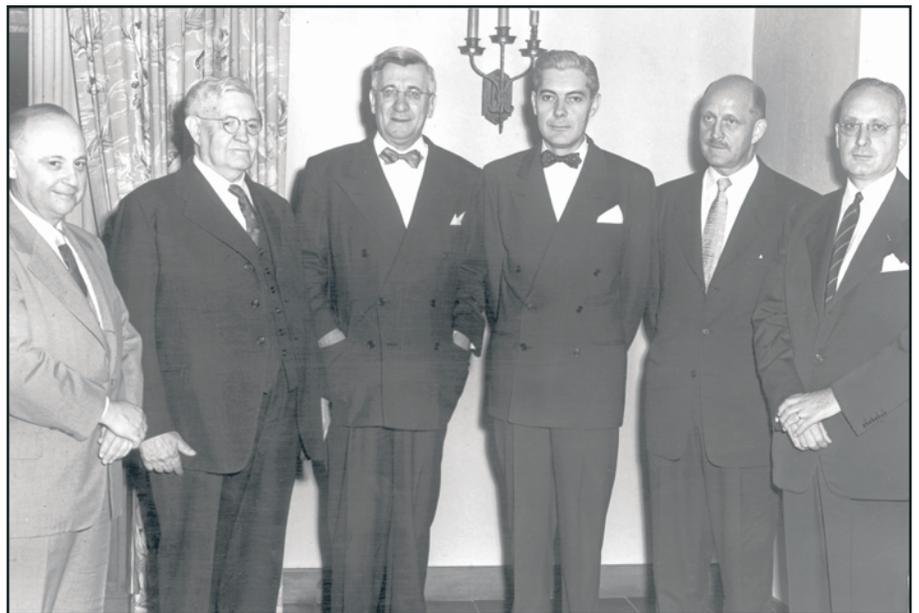


Bare

Judge Bare had practiced law in Erwin for five years when he accepted an appointment as a deputy marshal in the Greenville office in 1939. He left the Marshals Service in 1952 and served as an attorney examiner for the Department of Justice, traveling to a number of districts in the country for about five years until he was appointed referee in bankruptcy for the Eastern District of Tennessee in 1957. The title of referee in bankruptcy was changed to judge in 1970.

"I was practicing law in Erwin when I was called by [Marshal] **Peg Bell** and asked if I would consider serving as a deputy United States marshal, and after thinking it over, I told him I would. I didn't serve for a long period of time, but longer than I had anticipated, because I enjoyed the work."

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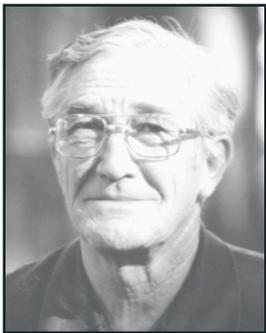
A RARE FIND--Old-timers will recognize at least a few of those shown in this photograph, made in 1950 at Cherokee Country Club in Knoxville at a reception honoring newly appointed **U.S. District Judge Robert L. Taylor**, left, then age 51. All of them are now deceased. The others, from the left, are **U.S. Circuit Judge Xenophon Hicks**, Knoxville, then 78; **U.S. District Judge Leslie R. Darr**, Chattanooga, then 64; Knoxville lawyer **Frank B. Creekmore**, then 40, president of the Knoxville Bar Association; **U.S. District Judge Stephen S. Chandler Jr.** of the Western District of Oklahoma, then 51, who was born in Blount County; and Knoxville lawyer **John (Jack) Doughty**, then 47, a founding member of the Hodges, Doughty & Carson law firm. The availability of this photograph was called to our attention by the son and daughter of Frank Creekmore--Knoxville lawyer **David Creekmore** and **Betsy Creekmore**, an associate vice president of the University of Tennessee. Their father was one of those under consideration for appointment to the judgeship that ultimately went to Robert L. Taylor. This photograph is among the papers of Frank Creekmore, on file in the UT Special Collections Library, which kindly made us a copy of it.

JUDGE BARE *continued from page 1*

Judge Bare said when he first became bankruptcy referee in 1957, "The type of cases we had back in those days were the smaller consumer cases. We had very few large corporations. That didn't come about until the 1978 act [Bankruptcy Reform Act of 1978] was passed. About 80 percent of the cases we handled back then were consumer bankruptcies, individuals who would get in debt beyond their ability to pay. Credit cards weren't a serious problem in the 1950s, but shortly after that, the use of credit cards proliferated and resulted in an increase in bankruptcy filings."

"I didn't have a law clerk until the Bankruptcy Reform Act of 1978. I had a law clerk commencing in 1979. Prior to that time, I did my own research." ■

DEPUTY MARSHAL FLOYD MARSHALL



Marshall

Deputy Marshal Marshall was appointed in 1941 and served in the Knoxville office until his retirement in 1975. He and Judge Bare said they earned \$1,800 a year when they were hired--\$150 a month. As newly hired deputy marshals, both carried guns although they had never dealt with guns before, but both said they received quite a bit of arms training while serving in the military during World War II.

"Back in the early 1940s, when we had terms of court and the grand jury met only twice a year, those who were arrested and couldn't make bond had to stay in jail until the next grand jury met. You had to be indicted before you could come up in court, and if you were arrested one day after the grand jury met and couldn't make bond, you stayed in jail until the next grand jury met six months later, even if you wanted to plead guilty."

"We didn't have many women prisoners back then, but if you had a female prisoner to take to prison [at Alderson, West Virginia], you had to have a female guard with you. Most of us took our wives, if we possibly could, because this way, you would have to have just one motel room. Back in the '40s, we got an allowance of \$5 or \$6 a day, plus 5 cents a mile. You could get a hotel room for \$3 and that left you \$3 to eat on. We'd put the prisoners in one of the local jails that were approved by the Department of Justice." ■

THE HISTORICAL SOCIETY
OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE, INC.

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DEPUTY MARSHAL SERTEL



Sertel

Deputy Marshal Sertel joined the U.S. Marshals Service in 1957 as a deputy marshal in the Chattanooga office and rose to the position of supervisor of the office. He retired in 1978 but returned to federal service in 1983 to serve as deputy clerk-in-charge of the U.S. District Court Clerk's Chattanooga office, serving there until 1987. His oral history was conducted in 1992.

"When I first joined the Marshals Service, the pay of a federal judge was \$20,000. I thought, boy, that's big money. I was making about \$3,800 a year. During the Hoffa trial [1964], I was staying with **Judge Wilson** at his house for security reasons, and we were eating breakfast one morning listening to the news, and it came out on the news that there was a bill to raise a federal judge's salary by \$10,000. Judge Wilson was a very conservative man, and he said, 'Isn't that ridiculous. That's the most ridiculous thing I ever heard of, raising those salaries \$10,000.'"

"So **Bill Hunt**, Chief Probation Officer, and Judge Wilson were close, and we would go to lunch together all the time, the three of us. Of course, I had told Bill about what the judge said, and we rode the judge to death about that comment. We told him, 'If you don't want that money, give it to us.'"

"**Judge Leslie Darr** was from the old school. [Judge Darr served in Chattanooga from 1939 to 1961.] Things have changed so much, you wouldn't believe it. We'd have a jury trial, and there weren't any written charges for the jury. Judge Darr would just whirl around there in his chair and say, 'Now ladies and gentlemen, this is a very simple case,' and he'd give them a few examples, and it wouldn't be 10 minutes till the jury went out. There weren't any of those long charges like we have today. That's just the way it operated, and, of course, he couldn't do that today. He was one of the finest men I ever met, just a great man."

"After Judge Darr took senior status, he didn't do much bench work, but one day he decided he would try a case, and he went on the bench. He chewed tobacco on the bench. He had his tobacco in his jaw, and in the meantime, Judge Wilson had taken the spittoon out. So Judge Darr reached over to spit and saw that the spittoon was gone, but he couldn't stop and it went all over the wall. We all got a laugh out of that." ■

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